IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.2024 OF 2004.

Kailash Maruti Suryavanshi..... .....Petitioner.
V/s
State of Maharashtra & Ors.... .....Respondents.

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

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Mr.A. M. Saraogi, Adv. for the petitioner.

Mrs. V. R. Kejriwal, APP for the State.

CORAM:V.G. PALSHIKAR
AND
ANOOP V. MOHTA, JJ.

27.10.2004

PC:

By this petition the petitioner seeks a direction of investigating into the complaint made by him. The dispute obviously is between the petitioner and his real brother. It is a dispute of civil nature.

2. Earlier the petitioner had moved Writ Petition No.736 of 2004 and it was disposed of by this Court by following order :

"1. Heard.
2. Admittedly, civil dispute is

pending between the parties and there are also civil proceedings in that regard pending before the civil court. As regards the allegations of illegal detention of the petitioner in the police custody, the petitioner has also filed complaint to the higher authorities. The learned A. P.P. States that the authorities will look into the complaint in accordance with the provisions of law and would take appropriate decision. We accept the said statement. In view of the above statement, nothing further survives in the petition. With the above observations and considering the statement of learned A. P. P. we dispose of the petition.

3. All concerned to act on the copy of this order duly authenticated by the C.S./Sheristedar of this Court."

Thereafter nothing was received by way of communication by the petitioner hence present petition is filed. During the pendency of this petition a communication dated 3.10.2004 is received by the petitioner wherein the petitioner is informed that the matter involved in is a complaint being of civil nature. He is advised to go to appropriate Civil Court for redressal of his grievances, if any.

3. According to the learned counsel the earlier order spells out an assurance given by

the police authorities or State that the matter would be looked into by higher authorities than the Senior Inspector of Kurla police station. The communication dated 3.10.2004 is by Senior Inspector of Police, Kurla Police Station and which according to the petitioner is a communication by a Senior Inspector who is not a higher authority as appears to be contemplated by the order disposing of the earlier petition. We see no reason to entertain any doubt in this matter as the Senior Inspector of Police is also a higher authority who enjoys the position of a Gazetted Officer Class I and hence we see no reason to interfere. The petitioner shall have open to him all remedies available in law civil or criminal for appropriate action which according to the petitioner is committed by the respondents. Petition accordingly stands dismissed.

4. Authenticated copy of this order be issued.

27.10.2004